S.B. Civil Writ Petition No.1180/2002

Sahab Ram Vs. State of Raj. & Ors.

Date of Order : 13-12-2004

HON'BLE MR. PRAKASH TATIA,J.

Mr. Sudhir Sharma, for the petitioner

Mr. L.R. Upadhyay, for the respondents.

Heard learned counsel for the parties.

According to learned counsel for the petitioner, this Court allowed the writ petition vide order dated 29.4.1984 which was filed by the petitioner. By the order of this Court, the order passed in revision petition which was filed by the State before the Board of Revenue was set aside and the matter was remanded back to Board of Revenue for rehearing the matter and disposal of the revision petition in accordance with law.

According to learned counsel for the petitioner, the revision petition has not been decided and the respondent State has not taken any step for getting the revision petition decided from the Board of Revenue. According to learned counsel for the petitioner, in above facts, the respondents cannot allot the land in dispute to any other person.

In view of the facts mentioned above itself, it is clear that this Court has set aside the order passed in the revision petition of the State vide order dated 29.11.1984. If the revision petition has not been decided by the Board of Revenue even in 20 years, which was a revision petition filed by the State, then it was also the duty of the petitioner to point out the matter before the Board of Revenue first by moving an application. The Board of Revenue and the office of the Board of Revenue should have looked into the matter upon moving an application by the petitioner but it appears that either the revision petition must have been decided by the Board of Revenue long ago even without notice to the petitioner who was respondent in the revision petition or if it has not been decided, then the matter may be brought to the notice of the Chairman, Board of Revenue by the petitioner so that the matter may be inquired into and the revision petition may be disposed of.

The petitioner if is feeling aggrieved against any action of the respondent State, then he can move an application before Board of Revenue where the State's revision is pending and where the order of the lower authority is in favour of the petitioner for appropriate relief.

In view of the above, the writ petition of the petitioner is disposed of with liberty to petitioner to approach Board of Revenue and move an appropriate

application for granting relief. The petitioner shall not be evicted from the land in dispute for eight weeks. The petitioner may submit the appropriate application before the Board of Revenue within 15 days from today. In case, the petitioner submits any appropriate application, that may be considered by the Board of Revenue strictly in accordance with law and appropriate order may be passed by the Board of Revenue within eight weeks of the date of the receipt of the order of this Court which may be filed by the petitioner.

[PRAKASH TATIA],J.

Praveen